

# **EXHIBIT A**

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

36th	STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 21-070922 NI
Court address 212 E. Paw Paw St., Paw Paw, MI 49079		Court telephone no. 269-657-8218	

Plaintiff's name(s), address(es), and telephone no(s). ERIC RASE and CINDY RASE
Plaintiff's attorney, bar no., address, and telephone no. Thomas W. Waun (P34224) Michael A. Kowalko (P36893) 140 E. 2nd Street, Suite 201 Flint, MI 48502 810-695-6100 twaun@venjohnsonlaw.com

v

Defendant's name(s), address(es), and telephone no(s). MARC MORISSETTE 457 Rue Borduas Sorel-Tracy, QC J3P 5Z2 Canada  VITESSE TRUCKING SERVICES INC SERVICES DE CAMIONNAGE VITESSE INC. 1111, 46th Avenue Montreal, QC H8T 3C5 Canada
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Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 4/14/21	Expiration date 7/13/21	Court clerk Suzie Roehm
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**SUMMONS**

Case No. \_\_\_\_\_

**PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.

Date

My commission expires: \_\_\_\_\_

Date

Signature: \_\_\_\_\_

Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on

Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_

Signature

**STATE OF MICHIGAN**

**IN THE CIRCUIT COURT FOR THE COUNTY OF VAN BUREN**

ERIC RASE and CINDY RASE,

Plaintiff,

Case No: 21-070922 NI  
Honorable

vs.

MARC MORISSETTE and VITESSE  
TRUCKING SERVICES INC., and/or SERVICES  
DE CAMIONNAGE VITESSE INC.

Defendants,

---

THOMAS W. WAUN (34224)  
MICHAEL A. KOWALKO (36893)  
Johnson Law, PLC  
Attorneys for Plaintiff  
140 E. Second Street, Suite 201  
Flint, MI 48502  
(810) 695-6100  
[twapun@venjohnsonlaw.com](mailto:twapun@venjohnsonlaw.com)  
[mkowalko@venjohnsonlaw.com](mailto:mkowalko@venjohnsonlaw.com)

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**COMPLAINT AND JURY DEMAND**

**There is no other pending civil action  
arising out of the transaction or  
occurrence alleged in this Complaint.**

Plaintiffs Eric Rase and Cindy Rase, by and through their attorneys JOHNSON LAW,  
PLC, for their Complaint against the above-named defendants, state as follows:

1. Plaintiffs Eric and Cindy Rase are residents of Ingham County, Michigan.
2. Upon information and belief, defendant, Marc Morissette (hereinafter "defendant Morissette") is a Canadian resident doing business in Van Buren County.

3. Defendant, Vitesse Trucking Services, Inc. and/or Services De Camionnage Vitesse Inc (hereinafter “defendant Vitesse”) is a Canadian federal corporation doing business in Van Buren County.

4. The amount in controversy exceeds \$25,000.00.

5. The motor vehicle collision which serves as a basis for this complaint occurred in Van Buren County, Michigan.

6. On January 25, 2019, Eric was the lawful operator of a 2017 Chevrolet Silverado on westbound I- 94 when the vehicle was smashed into from behind by a semi-tractor trailer driven by defendant Morissette and owned by defendant Vitesse.

7. Defendant Morissette had a duty and obligation to operate the semi- tractor trailer with due and reasonable care for the public, and particularly for the protection of plaintiff, Eric Rase, and he breached this duty committing negligence by:

- a. Operating his vehicle at a speed which would not allow him to stop in the assured clear distance ahead in violation of MCL 257. 627;
- b. Failing to keep a proper lookout while operating the semi-tractor trailer;
- c. Driving the semi-tractor trailer in a careless and negligent manner, in violation of MCL 257. 626(b);
- d. Driving the semi-tractor trailer in a grossly negligent and/or willful and wanton and/or reckless manner, in violation of MCL 257.626;
- e. Driving the semi-tractor trailer too fast for conditions and/or in violation of the posted speed limit and/or failing to reduce speed in violation of MCL 257.627 and/or MCL 257.633;
- f. Negligent and improper lane usage in violation of MCL 257.649;
- g. Other breaches learned through the course of discovery.

8. Defendant Morissette was at all times pertinent to this complaint acting in the scope and course of his employment with defendant Vitesse and defendant Vitesse is therefore responsible for any negligence committed by defendant Morissette.

9. Defendant Morissette was operating the subject semi-tractor trailer owned by defendant Vitesse with the implied or actual consent of defendant Vitesse and defendant Vitesse is therefore responsible for his negligence pursuant to the Michigan Owners Liability statute, MCL 257. 401.

10. Defendant Vitesse had an independent duty and responsibility to use due care and violated this duty and committed negligence in the following particulars:

- a. In failing to properly supervise and train defendant driver;
- b. In failing to properly evaluate and investigate defendant driver's driving ability;
- c. In the negligent hiring and retention of defendant driver; and
- d. Other breaches learned through the course of discovery.

11. As a proximate result of the negligence of the defendants, Eric sustained physical injuries, including but not limited to a traumatic brain injury, eye and/or vision damage, the cause and/or aggravation of injuries to his hip, fractured ribs, damage to his liver, kidneys and spleen and post-traumatic stress disorder.

12. As a proximate result of the negligence of the defendants, Eric has sustained damages past, present, and future including but not necessarily limited to physical pain and suffering, mental anguish, fright and shock, denial of social pleasure and enjoyment, embarrassment, humiliation, mortification, disfigurement, disability and excess wage loss.

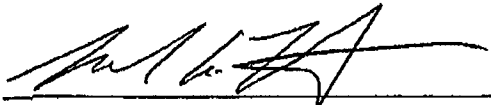
13. As a proximate result of the negligence of the defendants, Cindy Rase as spouse of Eric Rase, has sustained past, present, and future damages, including but not limited to, the reasonable and valuable services of her spouse, as well as a reasonable value of the loss of society companionship and consortium of her spouse

Wherefore, Plaintiffs seek a judgment against the defendants in whatever amount they are found to be entitled in excess of \$25,000 together with court costs, interest and attorney fees.

Respectfully submitted,  
JOHNSON LAW, PLC

Dated: 4/13/21

By:

  
THOMAS W. WAUN (P34224)  
MICHAEL A. KOWALKO (P36893)  
JOHNSON LAW, PLC  
Attorneys for Plaintiffs  
140 E. 2<sup>nd</sup> Street, Suite 201  
Flint, MI 48502  
(810) 695-6100

TRUE COPY  
APR 14 2021  
Van Buren County Clerk

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF VAN BUREN

ERIC RASE and CINDY RASE,

Plaintiff,

Case No: 21-070922 NI  
Honorable

vs.

MARC MORISSETTE and VITESSE  
TRUCKING SERVICES, INC.  
Jointly and Severally

Defendants,

---

THOMAS W. WAUN (34224)  
MICHAEL A. KOWALKO (36893)  
Johnson Law, PLC  
Attorneys for Plaintiff  
140 E. Second Street, Suite 201  
Flint, MI 48502  
(810) 695-6100  
[tw aun@venjohnsonlaw.com](mailto:tw aun@venjohnsonlaw.com)  
[mkowalko@venjohnsonlaw.com](mailto:mkowalko@venjohnsonlaw.com)

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**DEMAND FOR JURY TRIAL**

Plaintiffs Eric Rase and Cindy Rase, by and through their attorneys JOHNSON LAW,  
PLC, and hereby demands a trial by jury pursuant to MCR 2.508(B).

Respectfully submitted,  
JOHNSON LAW, PLC

Dated: 4/13/21

By: 

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THOMAS W. WAUN (P34224)  
MICHAEL A. KOWALKO (P36893)  
JOHNSON LAW, PLC  
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Van Buren County Clerk